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WHAT TO EXPECT DURING A NUTRIENT MANAGEMENT INSPECTION

What Farm Operators Need to Know

Under the Nutrient Management Act, “phased in” farms are required to have a Nutrient Management Strategy and typically a Nutrient Management Plan in addition to following the standards set out in the regulations.

The Ministry of the Environment is responsible for compliance and enforcement under the Nutrient Management Act. The ministry conducts inspections of “phased in” farms to ensure they are operating in accordance with requirements.

The Ministry of the Environment works closely with the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) and the Ontario Farm Environmental Coalition (OFEC). The nutrient management inspection program supports compliance with the Nutrient Management Act, protects the environment and is respectful of the farming industry.

The Ministry of the Environment’s Agricultural Environmental Officers are Provincial Officers with authority and responsibility to conduct nutrient management inspections. During an inspection, the Officer will help you to achieve compliance with the Nutrient Management Act and improve your operation’s overall environmental performance for managing nutrients.

This fact sheet answers frequently asked questions about the nutrient management inspection process. It also provides useful tips and contact information.



Protecting our environment.



FREQUENTLY ASKED QUESTIONS

How does a farm get selected for a nutrient management inspection?

Farms are either selected for a nutrient management inspection randomly or based on risk ranking. Risk ranking is a way of determining which farms have a greater risk of impact on the environment. The inspection program's risk ranking considers factors such as geography, local features, livestock types, cropping practices, manure systems, and compliance history of the operation. Farms are also randomly selected for an unbiased picture of how the agricultural industry is performing.

In addition to inspecting a farm to assess compliance with the manure management requirements of the NMA an Agricultural Environmental Officer may inspect your farm:

- in response to a public or employee complaint
- through a referral from another government agency
- as part of a follow-up to a prior inspection
- to assess a spill or environmental incident
- to assess on farm management of deadstock
- to assess compliance with requirements for the management of non-agricultural source materials (NASM).

What happens if my farm is selected for inspection?

If your farm is selected for an inspection, an Agricultural Environmental Officer will call to set a date and time, and explain the process. The Officer will try to accommodate your schedule especially during planting and harvesting seasons. However, in the event of a spill or unregulated release to the environment, an Officer may arrive unannounced.

Before visiting your farm for a nutrient management inspection, the Officer will prepare a preliminary inspection plan including a set of items called "control points". Control points are parts of your operation's nutrient management system such as storages, outdoor confinement areas, transfer systems, or fields where manure is applied. The inspection plan is based on a review of available information including your nutrient management strategy and/or plan, local soil maps, and the compliance history.

How can I prepare for an inspection?

Inform the Agricultural Environmental Officer of your biosecurity and safety procedures before the Officer arrives.

Check that all your nutrient management documents are complete, accurate, updated and have copies available for review:

- your nutrient management strategy, plan and/or contingency plan
- annual review of your nutrient management strategy, plan and/or contingency plan
- site characterization studies required for the construction of a manure storage
- records for temporary field nutrient storage sites used on the farm
- certificates and/or licences.

Make sure you and your employees know what is in your nutrient management strategy and/or plan, and requirements of applicable legislation.

If a consultant prepared your nutrient management strategy and/or plan, make sure they have discussed the documents with you.

Prepare a list of questions you want to ask.

Before the inspection, tour your farm to look for potential ways that materials containing nutrients could leave your operation and enter surface or groundwater, such as:

- runoff from solid manure storages
- leaking or overtopping tanks
- lack of vegetated buffer zones along surface water
- feed storage runoff and silo seepage
- catch basins and tile inlets.

Fix any issues you identify prior to the inspection. If you can't fix an issue before the inspection, think about how you intend to address the issue and discuss your plans with the Agricultural Environmental Officer during the inspection.

If you have any questions or concerns about the inspection or ministry requirements, you can ask the Agricultural Environmental Officer at any time during the inspection.

What happens during a nutrient management inspection?

The Agricultural Environmental Officer will show identification on arrival and ask to speak to the farm owner-operator. The Officer will explain the purpose of the inspection, control points to be inspected, areas of specific concern and provide a contact number.

The Officer will collect information to evaluate compliance and will make notes to record details of the inspection. The Officer may ask to interview employees, review records, tour the facility, collect samples, take photographs, and copy documents.

No action will be taken if the farm operation is complying with the environmental legislation. However, recommendations may be made on best management practices to improve environmental performance on your farm.

What happens if an issue is identified?

If non-compliance is found, the Agricultural Environmental Officer will discuss the corrective action that is required with you including the timeframe in which the action must be completed. This written or verbal agreement to correct a violation is called an **Abatement Plan**. The Officer may also present options to assist you in making any required operational changes.

If the identified issue is not voluntarily corrected in the agreed time, or if the situation requires stronger action, the Agricultural Environmental Officer may use the mandatory abatement tools available, such as the issuance of an order, to ensure compliance is achieved. Issues that are more serious may be referred to the ministry's Investigations and Enforcement Branch for enforcement action up to and possibly including prosecution.

What happens after an inspection?

After the inspection, you will be informed of the inspection results and any changes required to comply with environmental legislation. A copy of the inspection report will be provided including a score and recommendations on how to improve the farm's environmental performance.

A nutrient management inspection score is based on a scale from 1 - 100 and is a measure of how well the environment and human health is protected through management of the manure and other nutrients. The score is calculated by giving points for best management practices and deductions for non-compliance with the requirements of the Nutrient Management Act. All farm owners-operators are encouraged to take additional actions that can increase the inspection score and improve environmental performance.

WHERE TO GO FOR MORE INFORMATION

To better understand how the Nutrient Management Act, environmental legislation, and compliance tools apply to your operation, please review the fact sheets:

- Complying with Environmental Legislation On Farms
- Compliance Tools of the Nutrient Management Act.

For specific legal details, please consult the Nutrient Management Act, Ontario Regulation 267/03 as amended, Ontario Regulation 106/09, the Nutrient Management Protocol, Sampling and Analysis Protocol. You may wish to consult with your lawyer on questions about your legal obligations.

For general inquiries about nutrient management or to report a complaint about a farm operation, please contact the OMAFRA Nutrient Management Information Line at 1-866-242-4460, Agriculture Information Contact Centre 1-877-242-1300 or visit www.omafra.gov.on.ca.

Questions or reports of environmental incidents should be directed to a Ministry of the Environment office during regular business hours (see the Blue Pages in your phone book, or a listing on the ministry's web site at www.ene.gov.on.ca/en/about/org/index.php#4). After business hours, call the Ministry of the Environment Pollution Hotline at 1-866-MOE-TIPS (1-866-663-8477) or the Spills Action Centre at 1-800-268-6060, or e-mail moe.tips.moe@ontario.ca.